



Defense Acquisition Regulations System (DARS): The Rule-Making Process

How It Works and How You Can Get Involved

Presented to: Huntsville, AL

2008

**Date Wed, February 20,
Colonel Casey D. Blake
Director, Defense Acquisition
Regulations System Directorate
Defense Acquisition Regulations
System
703-602-0131
dfars@osd.mil
<http://www.acq.osd.mil/dpap/dars/>**





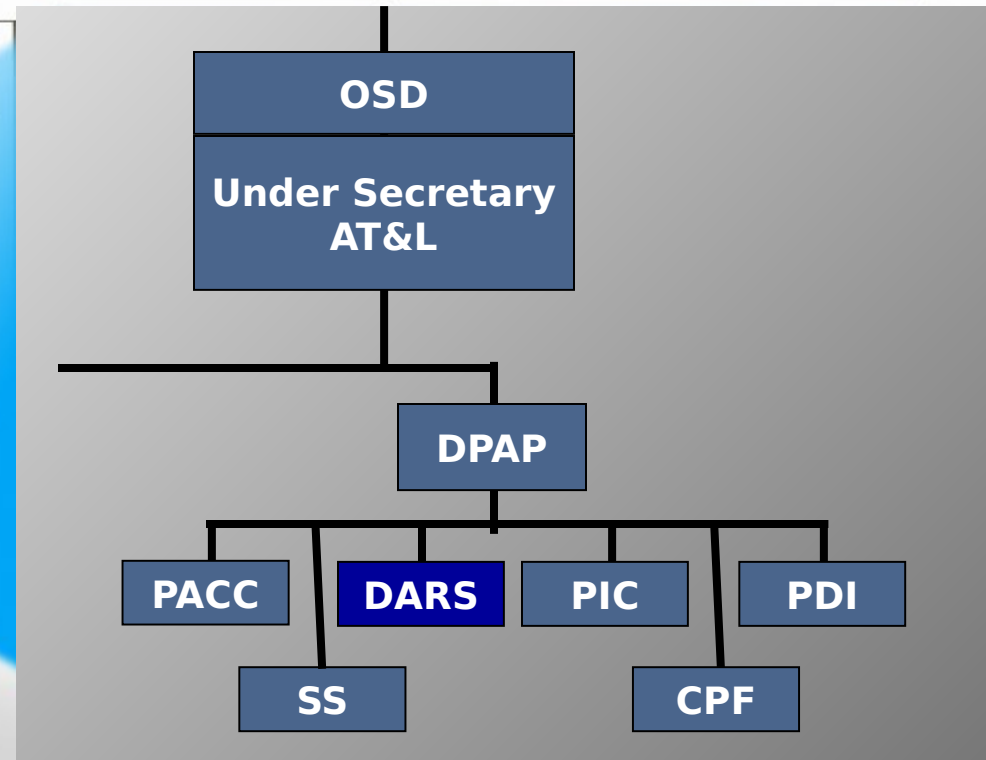
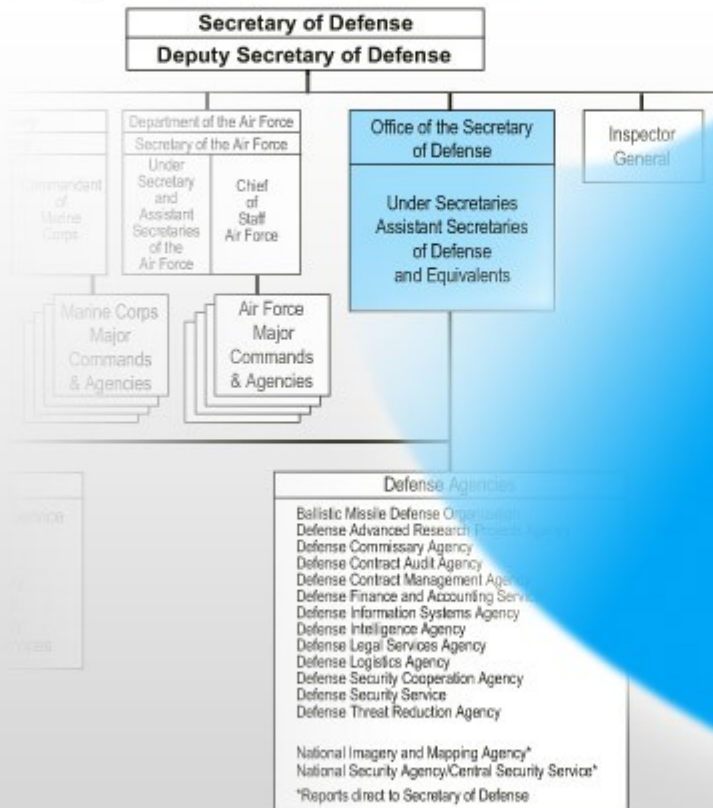
Agenda

- ▶ **Department of Defense (DoD) & DARS: Supporting the Warfighter**
- ▶ **Federal Acquisition Regulation (FAR) & Defense Federal Acquisition Regulation Supplement (DFARS)**
- ▶ **Introducing Procedures, Guidance and Information (PGI)**
- ▶ **FAR/DFARS Changes - Rulemaking Process**
- ▶ **How You Can Become Involved**
- ▶ **Cases of Key Interest**



DoD & DARS

Department of Defense



DPAP Directorates

▶ DARS

- **Implements statutes and mission focused policies, procedures and guidance in FAR, DFARS and PGI**

▶ Policy and International Contracting

- **Focal point for developing new, innovative acquisition policies and improving existing DoD acquisition policies and international contracting issues**

▶ Program Acquisition and Contingency Contracting

- **Responsible for DoD 5000 series policies and business strategies for acquisition programs and Program Development and Integration and contingency contracting issues**

▶ Program Development and Implementation

- **Creates policies for uniquely identifying tangible items**
- **Develops and implements strategies for purchase card**

DPAP Directorates

▶ Strategic Sourcing

- Performs spend analysis and provides necessary data and information to make informed business decisions about acquiring commodities and services more efficiently and effectively.

▶ Cost, Pricing, and Finance

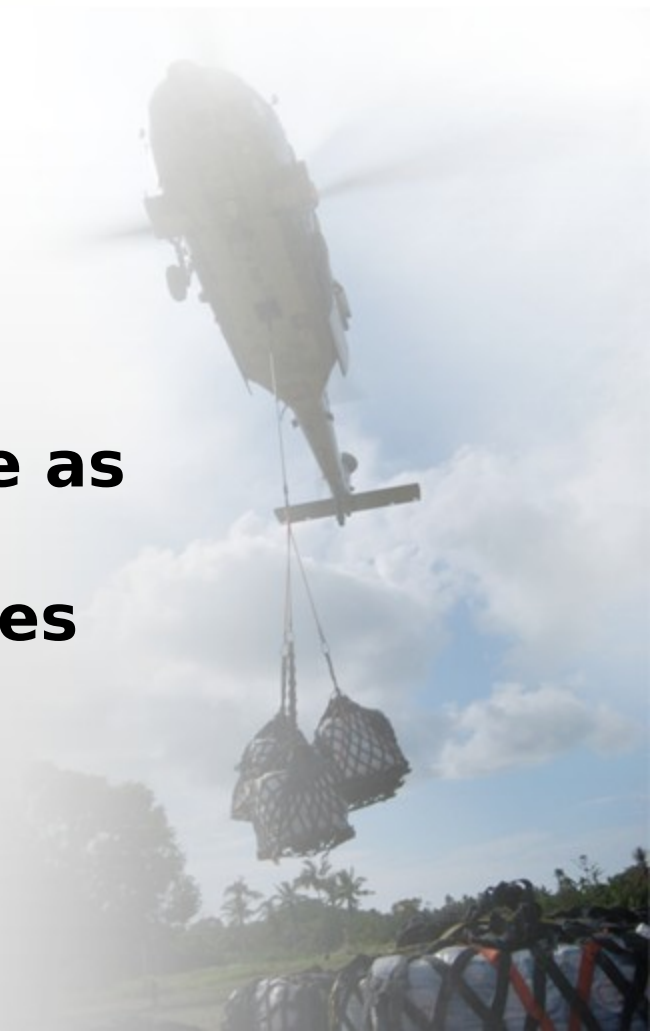
- Focal point for developing new, innovative cost and pricing policies while monitoring existing DoD acquisition policies and contract cost, price, and finance issues



DoD & DARS: Supporting the Warfighter

Our Mission

DARS develops and maintains acquisition rules and guidance to facilitate the Acquisition workforce as they acquire the goods and services DoD requires to ensure America's Warfighters' continued worldwide success.





FAR

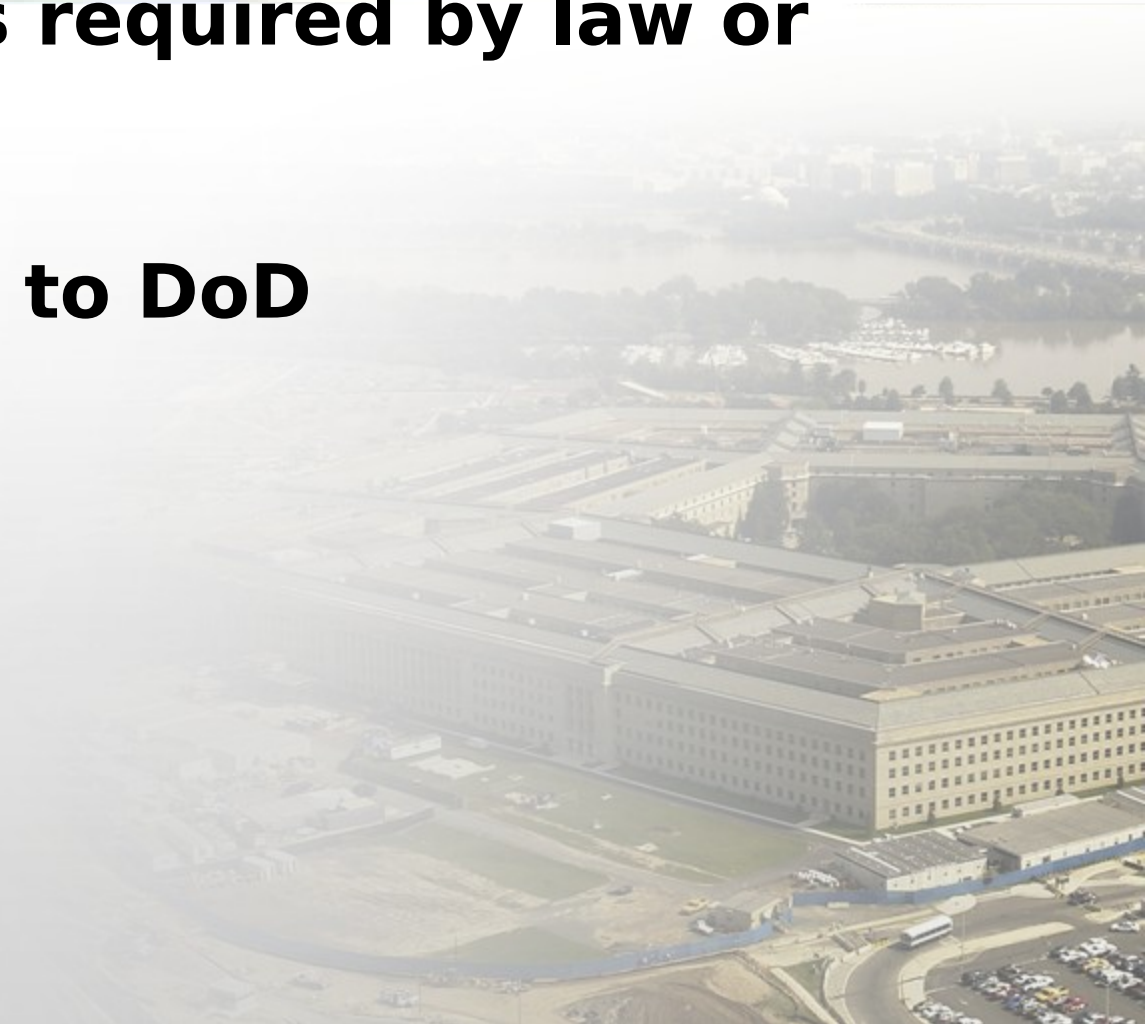
- ▶ **Regulations required by law and policy**
- ▶ **Rules apply to Federal Government agencies**





DFARS

- ▶ **Regulations required by law or policy**
- ▶ **Rules apply to DoD**





PGI

- ▶ **Internal DoD procedures**
- ▶ **Provides a central point for locating:**
 - **Agency guidance**
 - **Training**
 - **Guides**
 - **Outside resources**
 - **OSD policy letters**
 - **Other pertinent information**
- ▶ **Companion resource to the DFARS**
- ▶ **Single access-point to internal DoD acquisition procedures, policy training and class deviations**

What is PGI

▶ **Includes:**

- Procedures (Mandatory and optional DoD-internal procedures)
- Guidance
- Training
- Other Reference Material (agency guides, handbooks, etc.)

▶ **Does not includes material that:**

- Has significant impact on the public
- Is statutory and/or a codified regulation

VALUE

- Dynamic
 - Does not require public comment process (changes can be published quickly)
 - Supports rapid change
 - Fosters flexibility and innovation
 - Expedites process
- Clear Distinction between regulation vs procedure
- Web based Access

Automated Access to DFARS and PGI





Search **Go**

DPAP Operations

Defense Acquisition
Regulations System

Contract Policy and
International Contracting

Contract Policy

International Contracting

Program Aquisition and
Contingency Contracting

Program Aquisition

Contingency Contracting

Cost, Pricing & Finance

Program Development and
Implementation

E-Business

Purchase Card

Unique Identification

Strategic Sourcing

Items of Interest

DFARS/PGI

DPAP Policy is a central repository of documents that are available for dissemination to the public. Unclassified, non-confidential memoranda, guidance, regulations, and other DPAP-related policy documents can be found here. Policy memos are also located in the appropriate PGI subpart. See [DFARS Change Notices](#) for links to PGI replacement subparts documents for PGI changes made on or after January 23, 2006.

» [Subscribe to DFARS News](#)

Published: 09/13/07

ARCHIVES

In This Section

[Up One Level](#)

[About DFARS/PGI](#)

Choose a version:

Download this version: DFARS PGI

Part/Rule # - Title	DFARS			PGI		
	HTML	PDF	DOC	HTML	PDF	DOC
COVER PAGE						
TABLE OF CONTENTS						
PART 201 - FEDERAL ACQUISITION REGULATIONS SYSTEM						
TABLE OF CONTENTS						
SUBPART 201.1 - PURPOSE, AUTHORITY, ISSUANCE						
SUBPART 201.2 - ADMINISTRATION						
SUBPART 201.3 - AGENCY ACQUISITION REGULATIONS						
SUBPART 201.4 - DEVIATIONS FROM THE FAR						
SUBPART 201.6 - CONTRACTING AUTHORITY AND RESPONSIBILITIES						
PART 202 - DEFINITIONS OF WORDS AND TERMS						
TABLE OF CONTENTS						



The Rulemaking Process





FAR Council Structure





FAR Council

▶ FAR Council Members:

- **Chair: Office of Federal Procurement Policy (OFPP)**
- **DoD**
 - **DPAP represents DoD**
- **General Services Administration (GSA)**
 - **GSA represents CAAC**
- **National Aeronautics and Space Administration (NASA)**

▶ Responsibilities:

- **Provide overall strategy to the DAR Council and CAAC**
- **Resolve disagreements between the DAR Council and CAAC**





DARC

► DAR Council Members:

- **Chair: Director, DARS**
- **Military Services (Army, Navy, Air Force)**
- **Defense Agencies (DCMA, DLA)**
- **NASA**

► Responsibilities:

- **Promulgate the DFARS and PGI**
- **Promulgate the FAR (in conjunction with CAAC)**





CAAC

► CAAC Members:

- Chair: GSA
- Representatives from the Civilian Agencies

► Responsibilities:

- Promulgate the FAR (in conjunction with DARC)
- Publish Federal Register (FR) notices, solicit public comments
 - Advance notice of proposed rulemaking (ANPR)
 - Proposed and interim rules
- Publish Final rules in FR





Sources of FAR/DFARS/PGI Changes

Legislation

IG & GAO Recommendations

Court Decisions

**Office of Federal Procurement and Policy (OFPP)
Policy Letters**

Executive Orders

Agency Recommendations

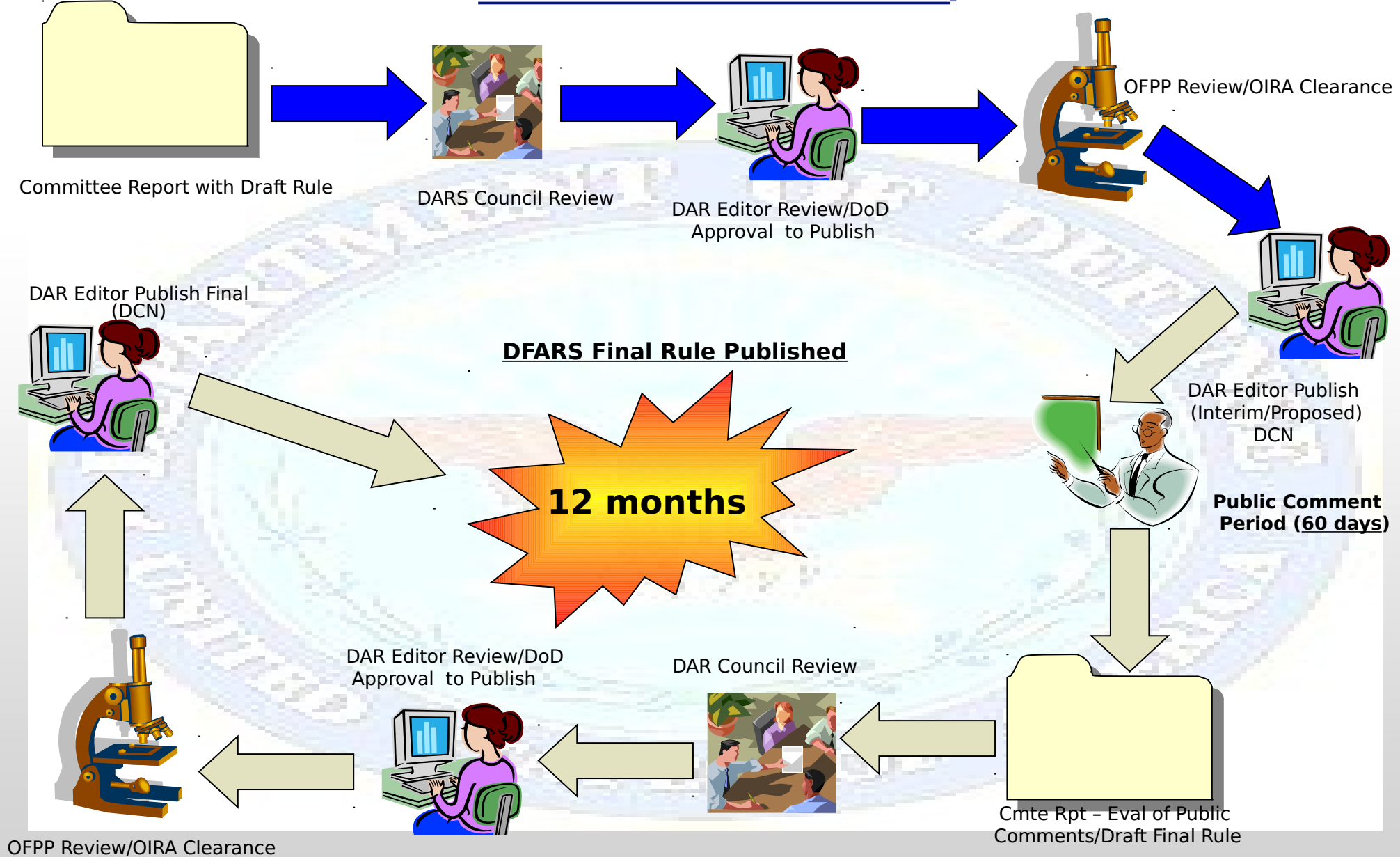
Individual Recommendations

Industry Recommendations

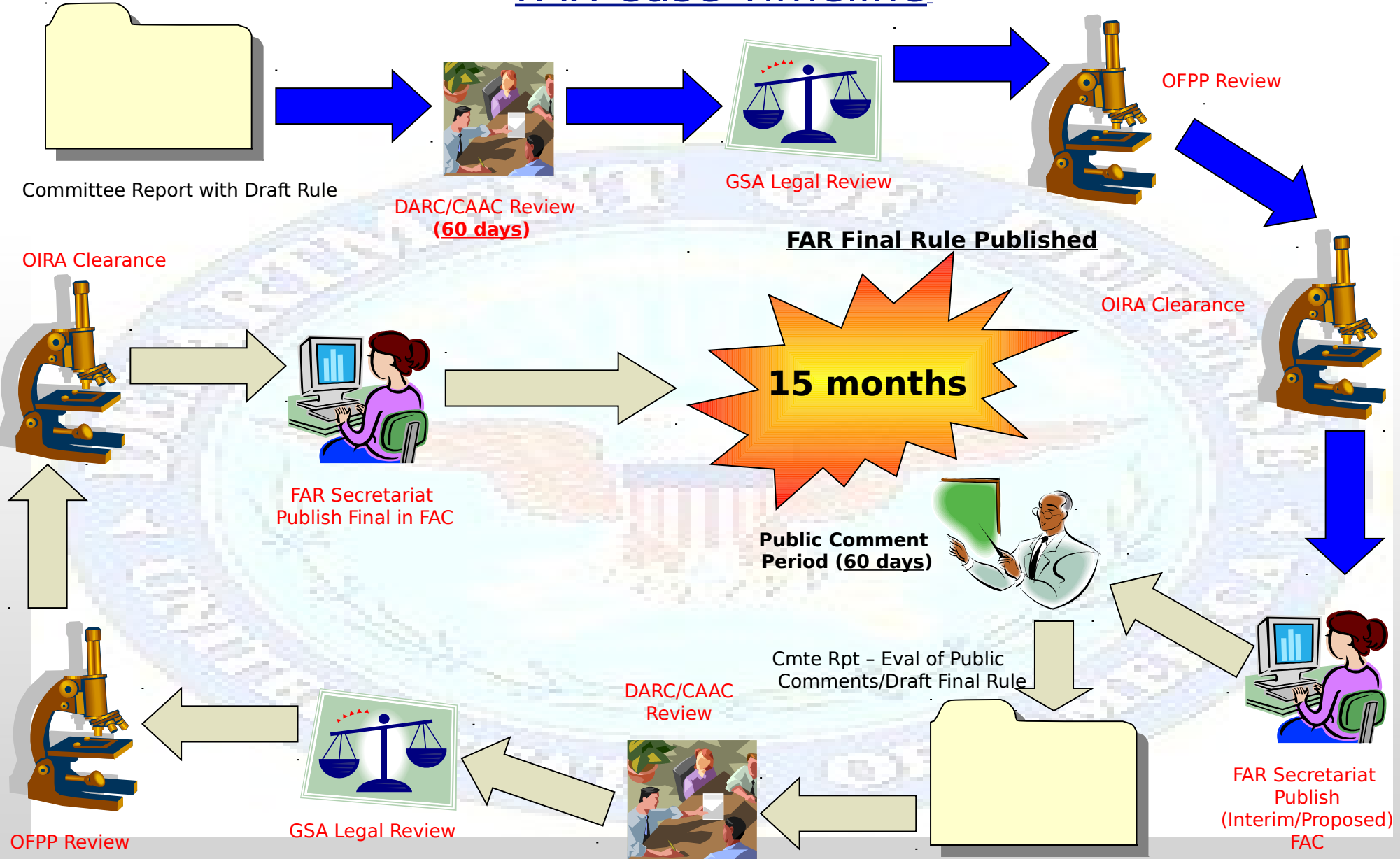
Policy Changes (e.g., USD (AT&L), DPAP)

**FAR
DFARS
PGI**

DFARS Case Timeline



FAR Case Timeline





Get Involved in the Rulemaking Process

- ▶ **Review DFARS and FAR proposed and interim rules**
 - **Change Notices:**
<http://www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm>
- ▶ **Submit input**
 - **Agency comment (through command channels)**
 - **Internet (follow local and agency procedures)**
- ▶ **View public comments on proposed & interim rules**
 - **DFARS rules:** <http://www.acq.osd.mil/dpap/dars/publiccomm/>
 - **FAR rules:** www.regulations.gov
- ▶ **View status of open cases**
 - http://www.acq.osd.mil/dpap/dars/case_status.html



Cases of Key Interest

▶ Small Business/Government Property Session:

- 2004-017, Small Business Credit for Alaska Native Corporations and Indian Tribes
- 2006-032, Small Business Size Representation
- 2004-025, Government Property

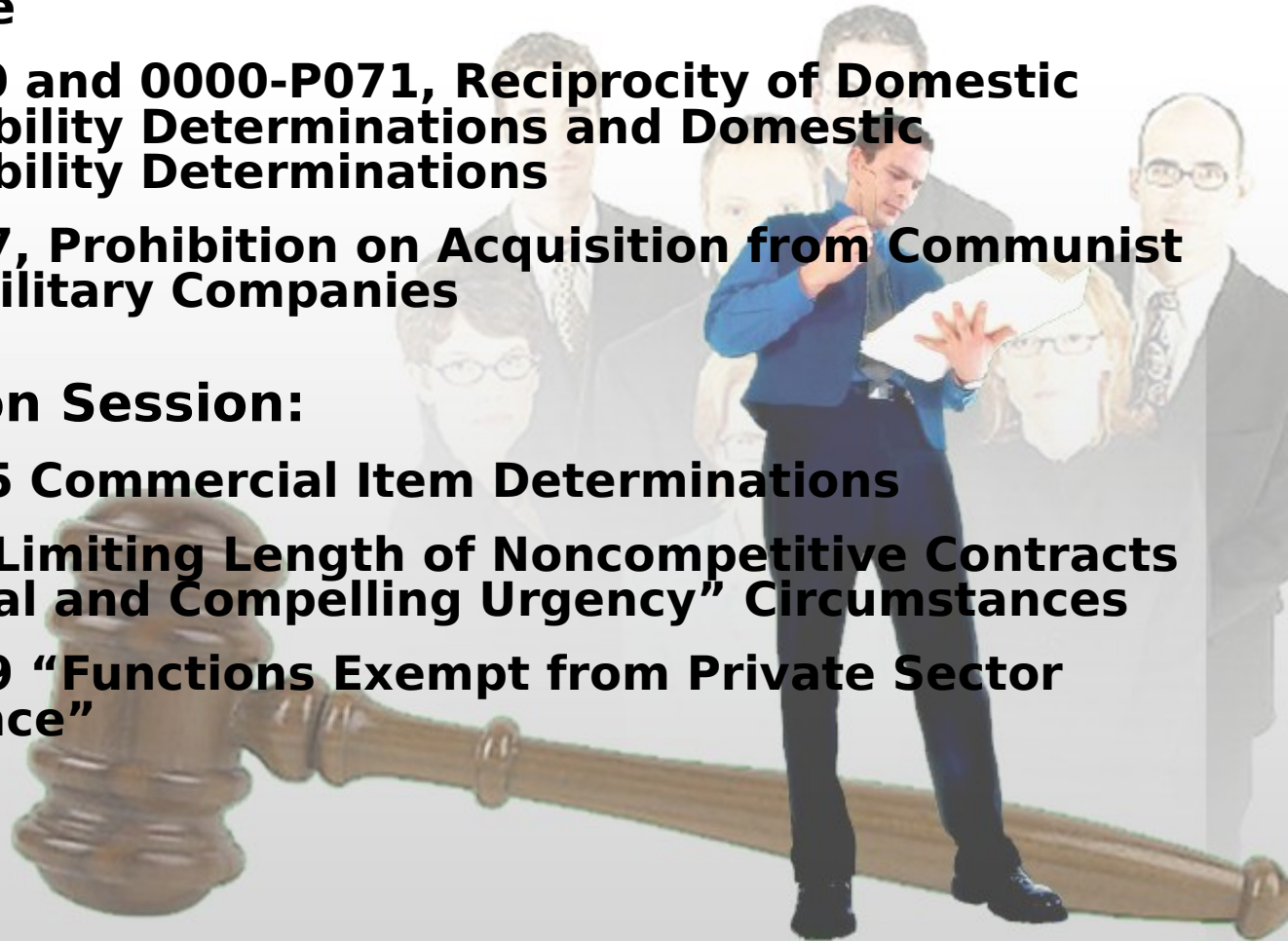
▶ International Acquisition Session:

- 0000-P073, Restriction on Acquisition of Specialty Metals
- 2007-D013, Waiver of Specialty Metals Restriction for Acquisition of Commercially Available Off-the-Shelf Items
- 2006-D006, Berry Amendment Notification Requirement
- 0000-P068 and 2000-304, Reporting of Acquisitions of End Products Manufactured Outside the United States
- 2006-D031, Clothing Material and Components Covered



Cases of Key Interest

- **2005-D002, Restriction on Carbon, Alloy and Armor Steel Plate**
- **0000-P070 and 0000-P071, Reciprocity of Domestic Nonavailability Determinations and Domestic Nonavailability Determinations**
- **2006-D007, Prohibition on Acquisition from Communist Chinese Military Companies**
- ▶ **Competition Session:**
 - **2007-D005 Commercial Item Determinations**
 - **2007-008 Limiting Length of Noncompetitive Contracts in “Unusual and Compelling Urgency” Circumstances**
 - **2007-D019 “Functions Exempt from Private Sector Performance”**





Cases of Key Interest

► Cost, Price and Finance:

- 2005-036, Definition of Cost or Pricing Data
- 2006-D057, Excessive Pass Through Charges
- 2006-D021, Award Fee
- Various T&M and LH rules published in Dec. 2006





Contact Us:

Defense Acquisition Regulations System (DARS)

OSD (AT&L) DPAP/DARS
3062 Defense Pentagon
Washington, DC 20301-3062

Phone Number: 703-602-0131

Email Address: dfars@osd.mil

Web Address: <http://www.acq.osd.mil/dpap/dars/>



www.acq.osd.mil/dpap/dars/